

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ROBERT A. CHOATE	§	
	§	
V.	§	CIVIL ACTION NO. G-06-219
	§	
GALVESTON POLICE DEPARTMENT,	§	
ET AL.	§	

**REPORT AND RECOMMENDATION**

At a Scheduling Conference on May 5, 2006, Plaintiff, Robert A. Choate, was ordered to file a response to the "Motion to Dismiss State Court Claims" of the City of Galveston. To date, no response has been filed nor has Choate requested an extension of time in which to do so.

Pursuant to the Local Rules of the United States District Court for the Southern District of Texas, "Failure to respond (to a motion) will be taken as a representation of no opposition."


L.R. 7.4 Accordingly, it is the **RECOMMENDATION** of this Court that the City's Motion (Instrument no. 4) be **GRANTED** and that all state law claims asserted by Choate for false arrest, false imprisonment, assault and battery be **DISMISSED**.

In light of Choate's failure to respond to the City's Motion, it is the further **RECOMMENDATION** of this Court that, should Choate fail to file any objections to this Report and Recommendation, the District Court also consider **DISMISSAL** of Choate's complaint for want of prosecution.

The Clerk **SHALL** send a copy of this Report and Recommendation to the Parties who **SHALL** have until **July 7, 2006** in which to have written objections, filed pursuant to 28 U.S.C. §636(b)(1)(C), **physically on file** in the Office of the Clerk. The Objections **SHALL** be mailed

to the Clerk's Office at P.O. Drawer 2300, Galveston, Texas 77553. Failure to file written objections within the prescribed time **SHALL** bar the Parties from attacking on appeal the factual findings and legal conclusions accepted by the District Judge, except upon grounds of plain error

**DONE** at Galveston, Texas, this 22nd day of June, 2006.

  
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John R. Froeschner  
United States Magistrate Judge